

Dear Hon Chen,

Received by the Pro Se Office  
12/16/2020-KC

I am Odelia Cohen, and not a party to this proceeding.

I submit this affirmation in support of Petitioner's motion for bail and this Court's Order dated 11/11/2020

During the months of February 2020-May 2020, at the request of Petitioner, I constantly inquired when Petitioner will have his appellate attorney via text and phone by contacting Doug Appel, his former trial attorney.

Enclosed are screenshots of the text messages. A recorded message on screenshot #6, transcribed by me, is written out.

Respectfully Submitted,  
Odelia Cohen

I affirm under penalty of perjury that everything here is true.

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ DEC 16 2020 ★

BROOKLYN OFFICE

Sunday, December 06, 2020

DA Douglas Appel  
Mobile

#1

2/9/18 5:09 PM

I just spoke to Joseph. You can call the appellate division at 718-875-1300 to find out who his appellate attorney is, if one has been assigned. Ask to speak with Jackie Vasquez. Good luck and Good Shabbos

Thank you

2/18/18 3:22 PM

Hi Doug, in order for Joseph's to make phone calls, he needs to submit more information. Can you please text me your address and age?

2/19/18 3:58 PM

I can give you my office

DA Douglas Appel  
Mobile

#4 that's what he told me. No idea why.

I don't know if he contacted the clerk.

2/20/18 2:48 PM

What's the clerk's phone number

2/20/18 2:55 PM

Look up about 10 texts

2/20/18 3:02 PM

Ok Thanks

5/31/18 6:56 PM

Hi Doug, I called the appellate court and spoke to Jackie asking about Joseph's

DA Douglas Appel  
Mobile

#2

2/10/18 3:58 PM

I can give you my office address. 16 Court Street, Suite 2402, Brooklyn 11241

2/20/18 10:55 AM

Thank you. Can you send me your age as well

2/20/18 1:49 PM

Not sure why you would possibly need my age. I'm sorry

That's what he told me. He needs address and age to make phone calls. I don't know the rules.

Also, he wanted me to ask you

DA Douglas Appel  
Mobile

#5

5/31/18 6:56 PM

Hi Doug, I called the appellate court and spoke to Jackie asking about Joseph's appellate attorney but she said there was no appeal filed. Joseph said that you appealed the day of the hearing. Can you please find out why the appeal was not transferred to the appellate court? Please let me know, Thanks.

DA Douglas Appel  
Mobile

No appeal was filed. I filed a Notice of Appeal along with the order for a free appellate attorney

DA Douglas Appel  
Mobile

Once he gets the appellate attorney, that is who filed the appeal

DA Douglas Appel  
Mobile

#3

Also, he wanted me to ask you if you know who is new lawyer is

He doesn't know

DA Douglas Appel  
Mobile

I'm certain that he's incorrect. He can make phone calls without knowing his lawyer's age. I don't know if he's yet been appointed an appellate attorney. I

DA Douglas Appel  
Mobile

won't be notified. Was the clerk at the appellate division helpful?

DA Douglas Appel  
Mobile

He needs addresses and age to make phone calls in general, that's what he told me. No idea why.

DA Douglas Appel  
Mobile

#6

attorney, that is who filed the appeal

DA Douglas Appel  
Mobile

The Notice only preserves his right to appeal later. Joseph has an original of my Notice of Appeal with the stamps showing it was filed with the court and DA



5/31/18 9:13 PM

DA Douglas Appel  
Mobile

Not sure what more I can do. I filed the necessary documents. Ask the clerk if they were received - the Notice of Appeal and order from the trial judge

DA Douglas Appel  
Mobile

assigning a free appellate attorney. If the clerk doesn't

Recording in #6: Hi, Doug it's just easier if I send this recording. So how is he supposed to file for a free attorney? Because I spoke to Jackie and she said that nothing was in the system under his name. She said there was no appeal so there was no appellate attorney assigned. So how would I go forth with that?

 Douglas Appel  
Mobile

#7 assigning a free appellate attorney. If the clerk doesn't have them, Joseph has originals showing they were filed

6/1/18 12:31 PM

If you gave them that notice it should have been filed by now.

So if the trial judge, whom you gave the notice of appeal to, didn't transfer it, can you ask the judge to follow up and transfer it?

So if the trial judge, whom you gave the notice of appeal to, didn't transfer it, can you ask the judge to follow up and transfer it?

 Douglas Appel  
Mobile

#8 transfer it?

 It's not the trial judge. I filed it with the appellate court. Joseph has the proof

6/1/18 5:03 PM

Yes He has the papers but Jackie said there was no appeal filed. Can you find out why?

6/1/18 11:43 AM

Hi Doug, Good morning. 718-875-1300 is the number you gave me to contact the appellate division. Please contact Jackie or anyone who can help you out so we can find out why it has been delayed. Thanks so much.

 Douglas Appel  
Mobile

#9 Thanks so much.

6/4/18 12:32 PM

 I couldn't get through but sent an email. When I hear back, I'll let you know

Thank you.

Sometimes I called Jackie and left a message but didn't hear back from her. Last week I called and left a message and she did response. So if you do not hear from them within a certain amount of time please follow up and let me know.

Thanks again

6/4/18 2:59 PM

 I got email back. They



 Douglas Appel  
Mobile

#10

6/4/18 2:39 PM

 I got email back. They apparently don't have the notice of appeal. I emailed them an original copy with the appellate clerk's stamp and waiting to hear back.

6/4/18 9:22 PM

Oh wow, see something wasn't right. ok Thank you.

6/5/18 11:21 AM

 I refiled the Notice of Appeal today

Thank you

 Douglas Appel  
Mobile

#11

6/5/18 11:21 AM

 I refiled the Notice of Appeal today

Thank you

 Did they say how long it'll take to process or is there a standard time range?

6/5/18 11:40 AM

 They said they'd send it to the appeals court as a second submission and you can contact the appellate the middle of next week

Ok

Sent



FOREVER / USA

United States District Court  
Eastern District of NY  
Plaza East  
205 Cadman Plaza East  
Brooklyn, NY 11201



11201-21632 0000

11201-21632 0000